PTO/SB/17 (01-03)

FEB 2 3 2004 Approved for use through 04/30/2003. OMB 0651-0032
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| FEE | TR  | AN | SMIT | TAL |
|-----|-----|----|------|-----|
| •   | for | FY | 2003 | 3   |

Effective 01/01/2003. Patent fees are subject to annual revision.

| X | Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$860.00

| Complete if Known    |                            |  |  |  |  |
|----------------------|----------------------------|--|--|--|--|
| Application Number   | 09/912,049                 |  |  |  |  |
| Filing Date          | July 24, 2001              |  |  |  |  |
| First Named Inventor | Thomas G. Rehberger et al. |  |  |  |  |
| Examiner Name        | Irene Marz                 |  |  |  |  |
| Group Art Unit       | 1651                       |  |  |  |  |
| Attorney Docket No.  | 362.003                    |  |  |  |  |

| METHOD OF PAYMENT (check all that apply)  |             | FEE CALCULATION (continued) |            |           |   | 2         |
|---|-------------|-----------------------------|------------|-----------|---|-----------|
| x Check Credit card Money Other None  |             | 3. ADDITIONAL FEES          |            |           |   | El .      |
| x Check Credit card Order Other None  |             | Entity                      |            | Entity    |   | -         |
| Deposit Account .   | Fee         | Fee                         | Fee        | Fee       |   | Fee Paid  |
| Denocit   | Code<br>105 | (\$)                        | Code       | (\$)      | Fee Description   |           |
| Deposit<br>Account 50-1170  |             | 130                         | 205        | 65        | Surcharge – late filing fee or oath   |           |
| Number Deposit  | 127         | 50                          | 227        | 25        | Surcharge – late provisional filing fee or                                      |           |
| Deposit Account Boyle Fredrickson Newholm Stein & Gratz S.C.  |             | 50                          | 227        | 25        | cover sheet   |           |
| Name  | 139         | 400                         | 400        | 400       | No. Facility and Earlier  |           |
| The Commissioner is authorized to: (check all that apply)   |             | 130                         | 139        | 130       | Non-English specification   |           |
| Charge fee(s) indicated below x Credit any overpayments   |             | 2,520                       | 147        | 2,520     | For filing a request for ex parte reexamination                                 |           |
| X Charge any additional fee(s) during the pendency of this application  | 112         | 920*                        | 112        | 920*      | Requesting publication of SIR prior to<br>Examiner action                       |           |
| Charge fee(s) indicated below, except for the filing fee  | 442         |                             | 442        |           | Requesting publication of SIR after   | -         |
|   | 113         | 1,840*                      | 113        | 1,840*    | Examiner action   |           |
| to the above-identified deposit account.  |             |                             |            |           |   |           |
| FEE CALCULATION   | 115         | 110                         | 215        | 55        | Extension for reply within first month  |           |
| 1. BASIC FILING FEE   | 116         | 410                         | 216        | 205       | Extension for reply within second month   |           |
|   | 117         | 930                         | 217        | 465       | Extension for reply within third month  | \$475     |
| Large Entity   Small Entity   Fee   Fee | 118         | 1,450                       | 218        | 725       | Extension for reply within fourth month   | <b>V</b>  |
| Code (\$) Code (\$) Fee Paid  |             |                             | 228        |           | , ,   |           |
| 101 750 201 375 Utility filing fee  | 128         | 1,970                       |            | 985       | Extension for reply within fifth month  |           |
| 106 330 206 165 Design filing fee   | 119         | 320                         | 219        | 160       | Notice of Appeal  |           |
| 107 520 207 260 Plant filing fee  | 120         | 320                         | 220        | 160       | Filing a brief in support of an appeal  |           |
| 108 750 208 375 Reissue filing fee  | 121         | 280                         | 221        | 140       | Request for oral hearing  |           |
| 114 160 214 80 Provisional filing fee   | 138<br>140  | 1,510                       | 138        | 1,510     | Petition to institute a public use proceeding                                   |           |
|   |             | 110<br>1,300                | 240<br>241 | 55<br>650 | Petition to revive – unavoidable Petition to revive – unintentional             | -         |
| SUBTOTAL (1) (\$)385  | 141<br>142  | 1,300                       | 242        | 650       | Utility issue fee (or reissue)  |           |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE   |             |                             |            |           | ·   |           |
| Extra Claims below Fee Paid   | 143         | 470                         | 243        | 235       | Design issue fee  |           |
| Total Claims -20**= X   | 144         | 630                         | 244        | 315       | Plant issue fee   |           |
| Independent Same X = X  | 122         | 130                         | 122        | 130       | Petitions to the Commissioner   |           |
| Multiple Dependent =  | 123         | 50                          | 123        | 50        | Processing fee under 37 CFR 1.17(q)   |           |
| Large Entity   Small Entity   |             | 180                         | 126        | 180       | Submission of Information Disclosure Stmt                                       |           |
| Fee Fee Fee Fee Description   | 581         | 40                          | 581        | 40        | Recording each patent assignment per  |           |
| Code (\$)   Code (\$)   |             | 750                         | 0.40       | 075       | property (times number of properties) Filing a submission after final rejection | <b>  </b> |
| 103 18 203 9 Claims in excess of 20   | 146         | 750                         | 246        | 375       | (37 CFR § 1.129(a))   |           |
| 102 84 202 42 Independent claims in excess of 3   | 149         | 750                         | 249        | 375       | For each additional invention to be   |           |
| 404 000 004 140 Multiple demandent doing if not poid  | 170         | 750                         | 270        | 375       | examined (37 CFR § 1.129(b)) Request for Continued Examination (RCE)            | \$385     |
| 104 280 204 140 Multiple dependent daim, if not paid  | 179         | 750                         | 279        |           |   |           |
| 109 84 209 42 **Reissue independent claims over original patent   | 169         | 900                         | 169        | 900       | Request for expedited examination of a design application                       |           |
| 110 18 210 9 **Reissue claims in excess of 20   | •           | '                           | •          |           |   |           |
| and over original patent  |             |                             |            |           |   |           |
| SUBTOTAL (2) (\$)   |             | fee (spe                    | cify)      |           | F   |           |
| ** or number previously paid, if greater; For Reissues, see above   |             | ed by Bas                   | ic Filing  | Fee Paid  | SUBTOTAL (3) (\$)   | 860.00    |

| SUBMITTED BY Complete (if applicable) |                 |                                      |        |           | applicable)       |
|---------------------------------------|-----------------|--------------------------------------|--------|-----------|-------------------|
| Name (Print/Type)                     | ,Mary E. Eberle | Registration No.<br>(Attorney/Agent) | 43,599 | Telephone | (414) 225-9755    |
| Signature                             | mary & cherce   |                                      | ,      | Date      | February 18, 2004 |

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warnings information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain and retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

FROM : AGTECH PRODUCTS INC 7 E 106 FAX NO. : 2625212442

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):

O'NEILL and REHBERGER

Art Unit: 1651

Serial No. 09/912,049

Examiner: Irene Marx

Filed: July 24, 2001

Attorney Docket No. 362.003

For: Direct-Fed Microbial

## STATEMENT UNDER MPEP §2406.02

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

The undersigned hereby states the following.

- Biological material was deposited at the ATCC under ATCC Accession Nos. ATCC PTA-5271 (P169) and ATCC PTA-5272 (P170).
- 2. The biological material that was deposited under ATCC Accession Nos. ATCC PTA-5271 (P169) and ATCC PTA-5272 (P170) are biological materials specifically identified in the application (the filing date of which is relied upon) as filed.
- I am in a position to corroborate that the biological material which was deposited is a biological material specifically identified in the application (the filing date of which is relied upon) as filed because I personally made the deposit to the ATCC.

mic Belled

Marianne Bellot, Laboratory Manager